

Message Text

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C O N F I D E N T I A L STATE 202337

E.O. 11652: GDS

TAGS:EFIS, KS

SUBJECT: US/KOREA FISHERIES NEGOTIATIONS

SUMMARY: DISCUSSIONS WITH ROKG ON GOVERNING INTERNATIONAL FISHERIES AGREEMENT WERE CONCLUDED 12 AUGUST. SUBSTANTIAL PROGRESS WAS MADE, WITH AGREEMENT BEING REACHED ON PREAMBLE AND ON 13 OF 16 ARTICLES. BOTH PARTIES AGREED TO SEEK TO RESOLVE REMAINING ISSUES THROUGH NORMAL DIPLOMATIC CHANNELS. END SUMMARY.

1. NEGOTIATIONS COMMENCED AUGUST 5 AND WERE EXTENDED BY ONE DAY, TO AUGUST 12 IN ATTEMPT TO REACH AGREEMENT ON AS MANY ARTICLES AS POSSIBLE AND TO CLOSE GAP ON REMAINING ISSUES. KOREAN SIDE INITIALLY BEGAN TALKS BY SUGGESTING NUMEROUS MAJOR CHANGES IN TEXT OF DRAFT GIFA, BUT AFTER
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DETAILED EXPLANATION OF U.S. VIEWS AGREED, BUT NOT WITHOUT

NEGOTIATING TENACIOUSLY, TO RETENTION OF MOST OF ORIGINAL LANGUAGE IN U.S. DRAFT.

2. THROUGHOUT DISCUSSIONS, KOREANS STRESSED IMPORTANCE OF FISH AS SOURCE OF ANIMAL PROTEIN IN THEIR DIET, THEIR PAST COOPERATION IN FISHERIES, KOREA'S ADHERENCE TO EXISTING BILATERAL AGREEMENT, AND NEED FOR HAVING CONTINUED

ACCESS TO RESOURCES IN U.S. CONSERVATION ZONE. THEY ALSO MADE FREQUENT REFERENCES TO INCONSISTENCY BETWEEN U.S. POSITION AND U.S. LAW, UNILATERAL NATURE OF U.S. PROPOSALS, AND LACK OF RECIPROCITY IN AGREEMENT. WHILE ACKNOWLEDGING KOREAN VIEWS, U.S. DEL RESPONSE KEYED ESSENTIALLY TO WHICH IS EXPLICIT AND RESTRICTIVE REQUIREMENTS OF U.S. 200-MILE LAW.

3. KOREAN SIDE PUSHED ESPECIALLY HARD FOR RECOGNITION OF KOREAN DEPENDENCE ON FISH, PARTICULARLY POLLOCK, AS A SOURCE OF ANIMAL PROTEIN, AND SOUGHT TO INCLUDE LANGUAGE GIVING RECOGNITION TO THIS IN PREAMBLE AND AS ONE OF ALLOCATION CRITERIA IN ARTICLE 4. U.S. DEL AGREED TO INCLUDE SUCH RECOGNITION IN AGREED MINUTES.

4. AGREEMENT HAS BEEN REACHED ON PREAMBLE AND 13 OF 16 ARTICLES. PREAMBULAR LANGUAGE WAS ADDED RECOGNIZING CLOSE COOPERATION IN DEVELOPMENT OF FISHERIES RELATIONS WITHIN FRAMEWORK OF THE EXISTING AGREEMENT. OTHER AGREED ARTICLES FOR MOST PART REMAIN SUBSTANTIALLY THE SAME AS IN U.S. DRAFT, AND WHERE CHANGED INCLUDE SUBSTANCE OF ORIGINAL U.S. PROPOSALS.

5. TWO ANNEXES ARE INCLUDED AS INTEGRAL PART OF AGREEMENT, ANNEX I DESCRIBES PERMIT APPLICATION PROCEDURES AND ANNEX 2 SCIENTIFIC DATA REQUIREMENTS.

6. IN ORDER TO RESPOND TO KOREAN CONCERN, BOTH SIDES AGREED TO AGREED MINUTES WHICH INCLUDE REFERENCES TO IMPORTANCE OF FISH IN DIET OF KOREANS, ENFORCEMENT, LOADING ZONES AND TO DATA COLLECTION.

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7. LANGUAGE ON ALL OUTSTANDING ISSUES HAS BEEN BRACKETED. WE HOPE TO RESOLVE THESE ISSUES THROUGH DIPLOMATIC CORRESPONDENCE. A FEW WORDS IN ARTICLE 4 HAVE BEEN BRACKETED BUT ARE NOT CONSIDERED TO BE A MATTER OF MAJOR SUBSTANCE AND SHOULD EASILY BE RESOLVED. ARTICLES VIII (5) AND ARTICLE X (1) PRESENT GREATEST PROBLEMS; KOREAN REPRESENTATIVE INDICATED HE WOULD NOT BE ABLE TO AGREE TO THESE U.S. PROPOSALS AND WOULD HAVE TO REFER THEM

TO HIS GOVERNMENT. THESE TWO PARAGRAPHS ALSO ARE OF MAJOR IMPORTANCE TO U.S. AND WE MUST MAINTAIN THEM.

8. ARTICLE VIII (5) REQUIRES THAT ROK TAKE ALL MEASURES TO ENSURE PROMPT AND ADEQUATE COMPENSATION OF U.S. CITIZENS FOR ANY LOSS OF OR DAMAGE TO OUR FISHING VESSELS OR GEAR, ETC., WHILE ENGAGED IN FISHING IN U.S. ZONE.

KOREANS STATED THIS IS A UNILATERAL MEASURE AND WANTED LANGUAGE CHANGED AND MADE INTO A SEPARATE PARAGRAPH UNDER SAME ARTICLE WHEREBY ELEMENT OF RECIPROCITY WOULD BE INTRODUCED, THAT IS BOTH GOVERNMENTS WOULD MAKE SIMILAR ASSURANCES. U.S. RECOGNIZES LOGIC OF KOREAN VIEW, BUT U.S. LAW DOES NOT PERMIT US TO OFFER SAME ASSURANCES WE REQUIRING OF KOREANS. NEITHER CAN WE AGREE TO REMOVAL OF THIS LANGUAGE.

9. ARTICLE X(1) IS KEY ENFORCEMENT PROVISION WHICH MUST BE EXPLICITLY AGREED TO, SPELLING OUT U.S. AUTHORITY TO ENFORCE U.S. LAWS IN 200-MILE ZONE AND PROVIDING FOR APPROPRIATE PENALTIES ON FISHING VESSELS OF KOREA THAT VIOLATE AGREEMENT. KOREAN DEL STATED THIS RIGHT OBVIOUSLY IMPLICITLY AGREED TO WHEN THEY WOULD SIGN AGREEMENT, AND IT WAS THEREFORE UNNECESSARY TO INCLUDE IN AGREEMENT, FURTHERMORE, THEY COULD NOT EXPLICITLY RECOGNIZE OUR ENFORCEMENT AUTHORITY. ACCORDINGLY, THE KOREAN REPRESENTATIVE STATED HE WOULD NOT BE ABLE TO ACCEPT ARTICLE AND MUST SEEK GUIDANCE FROM HIS GOVERNMENT.

10. IT WAS AGREED THAT WE WOULD ATTEMPT TO RESOLVE OUTSTANDING ISSUES BY DIPLOMATIC CORRESPONDENCE. FOR THIS PURPOSE, DEPARTMENT WILL SEND TO POST SEPTTEL FULL TEXT OF AGREEMENT, INCLUDING ANNEXES AND AGREED MINUTES
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EARLY NEXT WEEK, AND WILL BRACKET ALL OUTSTANDING ISSUES. WE HAVE ALSO AGREED THAT TEXT AND DETAILS OF NEGOTIATIONS WILL BE HELD CONFIDENTIAL FOR THE PRESENT.

11. PRESS GUIDANCE: BOTH SIDES AGREED THAT WE SHOULD EMPHASIZE POSITIVE NATURE OF DISCUSSIONS, THAT AGREEMENT ON MAJOR PARTS HAVE BEEN REACHED BUT THERE STILL REMAIN A FEW OUTSTANDING ISSUES WHICH WE HOPE TO RESOLVE SOON THROUGH DIPLOMATIC CORESPONDENCE. ROBINSON

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